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Follow-up and implementation of the Vienna Declaration and Programme of Action

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Amnesty International supports calls for a prohibition on lethal autonomous weapons systems, including less-lethal robotic weapons, used in and out of armed conflict situations

Summary

Over the past decade, there have been extensive advances in artificial intelligence and other technologies that will make possible the development of autonomous weapons systems (AWS) which, once activated, can by themselves select, attack, kill and wound human targets without effective human control.[1] Such autonomous robotic weapons systems can be deliberately designed to kill and these have been referred to as "lethal autonomous robotics" (LARs) or Lethal Autonomous Weapons Systems (LAWS). Other robotic systems are being developed for "non-lethal" or more accurately "less lethal" weapons that nevertheless have potentially lethal effects.

These weapons systems could not only change the entire nature of warfare and law enforcement operations, they also raise extremely serious human rights concerns, posing a major threat to the right to life and security of the person, and also potentially undermining other fundamental human rights. In particular Amnesty International foresees that the use of AWS would result in unlawful killings and injuries both in situations of armed conflict, where international humanitarian law (IHL) and international human rights law IHRL) apply, and in law enforcement operations, where only international human rights law applies. Furthermore, their use would pose challenges to holding accountable those responsible for serious violations and could entrench impunity for crimes under international law. Consequently, Amnesty International supports the call for a prohibition on the development, transfer, deployment and use of AWS.

Amnesty International believes it is crucial that the applicability of IHRL, as well as IHL, be effectively addressed in any future discussions on AWS. Amnesty International urges all governments to develop and articulate a national policy on the multiple challenges posed by AWS including both lethal and "less lethal" autonomous robotic weapons that takes full account of their obligations to respect and ensure IHRL and, where applicable, IHL.

Autonomous Robotic Weapons: A threat to life and dignity

Although fully autonomous weapon systems have not yet been deployed in armed conflict situations, Amnesty International foresees that the use of "military" weapons without meaningful and effective human control in situations of armed conflict would not comply with IHL. This includes the requirement to distinguish adequately between combatants and civilians, to take necessary precautions to minimize harm to civilians and to evaluate the proportionality of an attack. Such "military" autonomous weapons systems could also be deployed outside armed conflict situations, as occurs with other weapon systems.

Alongside the development of robotic "military weapons", companies have also been developing robotic weapons, even if not yet fully autonomous, for law enforcement purposes.[2] These weapons are designed to fire or spray various projectiles and dangerous substances including grenades of toxic chemical irritants (tear gas), multiple rounds of rubber or plastic projectiles (bullets) and multiple electric shock stun darts. Such weapons can have lethal effects, as well as result in serious injuries, and they could be used to facilitate violations of the rights to freedom of expression and right to freedom of peaceful assembly, enshrined in Article 19 and Article 21 of the International Covenant on Civil and Political Rights (ICCPR), respectively.

Robotic weapons without meaningful and effective human control, whether described as "lethal" or have "less lethal" effects, cannot make decisions regarding the use of force compatible with international human rights law. Such law prohibits the arbitrary deprivation of life and requires states to use lethal force only where there is an imminent threat of death or serious injury. According to international standards governing the use of force, law enforcement officials are

[1] The terminology "autonomous weapons systems" (AWS) is intended to capture lethal and non-lethal systems.

[2] Law enforcement weapons supplied by companies in the USA, UK, Jordan, Israel, the UAE, Spain and South Africa have been advertised and such weapons are likely to be developed elsewhere.

required to "as far as possible, apply non-violent means before resorting to the use of force".[3] Under Article 3 of the UN Code for Law Enforcement Officials, police may use force "only when strictly necessary and to the extent required for the performance of their duty." Where the use of force is unavoidable, they must "Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved", minimize damage and injury and "Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment".[4] Firearms should only be used as a last resort "in self-defence or defence of others against the imminent threat of death or serious injury" or to prevent "a particularly serious crime involving grave threat to life" or "to arrest a person presenting such a danger."[5]

To meet these international standards regarding the use of force and to comply with the obligations of states under IHRL, and IHL, in rapidly changing circumstances, the use of dangerous weapons requires, amongst other things, the exercise of human judgement, empathy, and control by highly trained and fully accountable law enforcement, and military, officers. Decisions regarding the use of force in policing cannot and must not be delegated to machines. While robots may have certain technical capabilities that are superior to those of humans, unlike trained human personnel, robots cannot by themselves distinguish between legal or illegal orders, seriously undermining accountability for arbitrary, abusive and excessive uses of force.

Amnesty International is deeply concerned that the development, deployment and use of AWS in armed conflict and in non-armed conflict situations raises serious human rights concerns affecting all states, threatening the right to life, the prohibition of torture and other ill-treatment and the right to security of the person, and potentially undermining other human rights. AWS also raise important issues related to accountability for human rights violations and individual criminal responsibility. It is inconceivable that AWS without meaningful and effective human control would be able to comply with the provisions outlined above.

Consequently, Amnesty International supports the call for a prohibition on the development and use of AWS, including such weapons when they are "less lethal" but can result in death and serious injury. We urge all governments, even if they are not convinced of the need for a prohibition, to publicly support and implement the call by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to impose a moratorium on the development, transfer, deployment and use of fully automated weapons with lethal effects. Such a moratorium should also cover automated robotic weapons that are "less lethal", because they could easily cause injuries with fatal consequences.

Given the potentially grave consequences of such technology and states' existing obligations under IHRL and IHL, Amnesty International believes the onus should be on states that wish to develop and deploy AWS to first demonstrate beyond reasonable doubt that specific uses of each type of weapon can be fully lawful and, in particular, consistent with IHRL and IHL in operational circumstances.

Recommendations

In light of the human rights concerns associated with the development, deployment and use of AWS outlined above, Amnesty International urges all states to:

- Ensure that states' obligations under IHRL – as well IHL – are effectively and actively addressed as soon as possible by relevant UN and other fora and mechanisms. This includes continuing consideration with in the CCW;
- Publicly support and implement the call by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to impose a moratorium on the development, transfer, deployment and use of fully autonomous weapons with lethal effects[6] and ensure that moratorium covers automated weapons that are "less lethal" but

[3] Principle 4 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (UN Basic Principles), adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.
[4] UN Basic Principles, Principle 5.
[5] UN Basic Principles, Principle 10.
[6] Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-47_en.pdf

potentially lethal (i.e. where the foreseeable injuries caused could easily be fatal);

- Develop and articulate a national policy on the multiple challenges posed by AWS including both "lethal" and "less lethal" autonomous robotic weapons that takes full account of their existing obligations under both the IHL and IHRL;
- Support a renewed CCW mandate in November 2014 that creates a formal Group of Governmental Experts, which dedicates more time to the topic in 2015, and expands the work with a view to future negotiations.